

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

MATTHEW OHLINGER,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-11678

BAILEY JARVIS;  
KERSHAL GABRIELLS;  
BAKER DENNISON; and  
BREWER WOLFORD,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court dismiss the Complaint pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and remove this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DISMISSES** this action **WITHOUT PREJUDICE** and **REMOVES** this matter from the Court's docket, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: June 1, 2017

  
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ROBERT C. CHAMBERS, CHIEF JUDGE